

(b) A tank car containing any Class 2 material must not be offered for transportation unless the car is consigned for delivery (see paragraph (c) of this section) and unloading on a private track (see Note 1 of this section) except that where no private track is available, delivery and unloading on carrier tracks is permitted provided the following conditions are complied with:

(1) Any tank car of DOT-106A or 110A type (see §§179.300 and 179.301 of this subchapter) may be offered for transportation and the loaded unit tanks may be removed from car frame on carrier tracks, provided the shipper has obtained from the delivering carrier and filed with originating carrier, written permission (see Note 2 of this section) for such removal. The consignee must furnish adequately safe mechanical hoist, obtained from the carrier if desirable, by which the tanks shall be lifted from the car and deposited directly upon vehicles furnished by the consignee for immediate removal from carrier property or tanks must be lifted by adequately safe mechanical hoist from car directly to vessels for further transportation

(c) Any tank car of other than DOT-106A or 110A type (see §§179.300 and 179.301 of this subchapter), containing anhydrous ammonia, liquefied hydrocarbon or liquefied petroleum gas, and having interior pipes of liquid and gas discharge valves equipped with check valves, may be consigned for delivery and unloading on carrier tracks, if the lading is piped directly from the car to permanent storage tanks of sufficient capacity to receive the entire contents of the car. Such cars may also be consigned for storage on a private track or on a carrier track when designated by the carrier for such storage.

(d) For cars of the DOT-106A or 110A type (see §§179.300 and 179.301 of this subchapter), the tanks must be placed in position and attached to the car structure by the shipper.

(e) Class 3 materials with a flash point below 38 °C (100 °F) and Division 2.1 materials (including a cryogenic liquid) may not be loaded into tank cars on carrier property from tank trucks or drums.

NOTE 1: For this purpose, a private track is a track outside of carrier's right-of-way,

yard, and terminals, and of which the carrier does not own either the rails, ties, roadbed or right-of-way; or a track or portion of a track which is devoted to the purpose of its user, either by lease or written agreement; in which case the lease or written agreement will be considered as equivalent to ownership.

NOTE 2: Carriers should give permission for the unloading of these containers on carrier tracks only where no private siding is available within reasonable trucking distance of final destination. The danger involved is the release of compressed gases due to accidental injury to container in handling. The exposure to this danger decreases directly with the isolation of the unloading point.

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§173.12 Exceptions for shipment of waste materials.

(a) *Open head drums.* If a hazardous material that is a hazardous waste is required by this subchapter to be shipped in a closed head drum (i.e., a drum with a 7.0 cm (3 inches) or less bung opening) and the hazardous waste contains solids or semisolids that make its placement in a closed head drum impracticable, an equivalent (except for closure) open head drum may be used for the hazardous waste.

(b) *Lab packs.* (1) Waste materials classed as Class or Division 3, 4.1, 4.2, 4.3, 5.1, 6.1, 8, or 9 are excepted from the specification packaging requirements of this subchapter for combination packagings if packaged in accordance with this paragraph and transported for disposal or recovery by highway only. In addition, a generic description from the §172.101 Table may be used in place of specific chemical names, when two or more chemically compatible waste materials in the same hazard class are packaged in the same outside packaging.

(2) Additional packaging requirements are as follows:

(i) The outer packaging must be a UN 1A2 or UN 1B2 metal drum, a UN 1D plywood drum, a UN 1G fiber drum or a UN 1H2 plastic drum tested and marked at least for the Packing Group

III performance level for liquids or solids;

(ii) The inner packagings must be either glass, not exceeding 4 L (1 gallon) rated capacity, or metal or plastic, not exceeding 20 L (5.3 gallons) rated capacity;

(iii) Each outer packaging may contain only one class of hazardous material;

(iv) Inner packagings containing liquid must be surrounded by a chemically compatible absorbent material in sufficient quantity to absorb the total liquid contents; and

(v) Gross weight of the complete package may not exceed 205 kg (452 lbs).

(3) *Prohibited materials.* Materials meeting the definition of Division 6.1, Packing Group I, or Division 4.2, Packing Group I, and bromine pentafluoride; bromine trifluoride; chloric acid; and oleum (*fuming sulfuric acid*) may not be packaged or described under the provisions of this paragraph.

(c) *Reuse of packagings.* A previously used packaging may be reused for the shipment of hazardous waste to designated facilities, not subject to the reconditioning and reuse provisions contained in §173.28 and part 178 of this subchapter, under the following conditions:

(1) Except as authorized by this paragraph, the waste must be packaged in accordance with this part and offered for transportation in accordance with the requirements of this subchapter.

(2) Transportation is performed by highway only.

(3) A package is not offered for transportation less than 24 hours after it is finally closed for transportation, and each package is inspected for leakage and is found to be free from leaks immediately prior to being offered for transportation.

(4) Each package is loaded by the shipper and unloaded by the consignee, unless the motor carrier is a private or contract carrier.

(5) The packaging may be used only once under this paragraph and may not be used again for shipment of hazardous materials except in accordance with §173.28.

(d) *Technical names for n.o.s. descriptions.* The requirements for the inclu-

sion of technical names for n.o.s. descriptions on shipping papers and package markings, §§172.203 and 172.301 of this subchapter, respectively, do not apply to packagings prepared in accordance with paragraph (b) of this section, except as follows:

(1) Packages containing materials meeting the definition of a hazardous substance must be described as required in §172.203(c) of this subchapter and marked as required in §172.324 of this subchapter; and

(2) Packages containing hazardous materials subject to the provisions of §172.203(m) of this subchapter must be described in accordance with §172.203(m) of this subchapter.

[Amdt. 173-224, 55 FR 52609, Dec. 21, 1990, as amended at 56 FR 66265, Dec. 20, 1991; Amdt. 173-231, 57 FR 52939, Nov. 5, 1992; Amdt. 173-138, 59 FR 49133, Sept. 26, 1994]

§173.13 Exceptions for Class 3, Divisions 4.1, 4.2, 4.3, 5.1, 6.1, and Classes 8 and 9 materials.

(a) A Class 3, 8 or 9, or Division 4.1, 4.2, 4.3, 5.1, or 6.1 material is excepted from the labeling and placarding requirements of this subchapter if prepared for transportation in accordance with the requirements of this section. A material that meets the definition of a material poisonous by inhalation may not be offered for transportation or transported under provisions of this section.

(b) A hazardous material conforming to requirements of this section may be transported by motor vehicle, rail car, or cargo-only aircraft. Only hazardous materials permitted to be transported aboard a cargo-only aircraft by column (9B) of the Hazardous Materials Table in §172.101 of this subchapter are authorized for transport aboard cargo-only aircraft pursuant to the provisions of this section.

(c) A hazardous material permitted by paragraph (a) of this section must be packaged as follows:

(1) For liquids:

(i) The hazardous material must be placed in a tightly closed glass, plastic or metal inner packaging with a maximum capacity not exceeding 1.2 liters. Sufficient outage must be provided such that the inner packaging will not become liquid full at 55 °C (130 °F). The